

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3097 OF 2005**

The State of Maharashtra

...Applicant

vs.

Sou.Sunanda P. Kirdat and ors.

...Respondents

Mr.K.V.Saste,A.P.P. for State

Mr.Umesh Mankapure for Respondent Nos.1 to 3.

**CORAM: A.S.OKA,J.
DATE : JULY 11,2005.**

P.C.:

1. This application is for cancellation of anticipatory bail granted by this court on 5th August 2004 in favour of the Respondents. The grounds which are pleaded for cancellation of bail are based on the events which have taken place subsequent to the grant of anticipatory bail in favour of the Respondents.

2. On 23rd June 2005, adjournment was sought by the learned Counsel for the Respondents. Time was granted till 30th June 2005 as a last chance. On 30th June 2005 on the request made by the learned Counsel for the Respondents, time was granted till 4th July 2005. On 4th July 2005 again time of one week was sought for filing reply. On 4th July 2005 this Court granted time of one week subject to condition that the Respondents will deposit a sum of Rs.5,000/- by way of costs. This Court directed the Respondents to remain present personally in this Court. Till today Affidavit in reply is not filed. Today the Respondents are not present in this Court. The Respondents have not deposited a sum of Rs.5,000/-

as directed by this Court by order dated 4th July 2005.

3. The relevant part of the order granting anticipatory bail

reads thus :

"The applicants are directed to be enlarged on bail, in the event of their arrest in C.R.No.9/2004 registered at Aundh Police Station, on their furnishing a personal bond of Rs.10,000/- each and one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned Police station subject to the condition that they shall report the investigating Officer every day for a period of 10 days from 6-8-2004 between 5 p.m. and 8 p.m. and thereafter as and when required for interrogation."

4. A specific allegation has been made in this application that the Respondents are not residing at their given addresses and they are not available for investigation as directed by this court. A specific allegation is that the Respondents have not complied with the conditions imposed by this Court while granting anticipatory bail regarding reporting to the Investigating Officer for a period of 10 days. There is no denial of averments made in the Application. Moreover, the Respondents are not present today inspite of directions given by this Court on 4th July 2005. Therefore, there is no reason to disbelieve the averments made in the Application. It is thus apparent that the Respondents have committed breach of

the conditions imposed by this Court while enlarging them on anticipatory bail.

5. Hence case is made out for cancellation of bail granted in favour of the respondents.

6. Accordingly, anticipatory bail granted in favour of the Respondents by order dated 5th August 2004 is cancelled and the Application is allowed in terms of prayer clause (a).

JUDGE